

EXHIBIT 3

Wednesday, March 25, 2020 at 13:27:03 Eastern Daylight Time

Subject: Brendan Berger - Accommodated Testing - USMLE No. 0-893-4192 - Application ID: 5-595-117-442
Date: Thursday, September 19, 2019 at 7:10:11 PM Eastern Daylight Time
From: Chuck Weiner
To: fkatz@ecfm.org
CC: Brendan Berger
Attachments: ED OH PI Opinion-Berger.pdf, image001.png

Dear Ms. Halushka Katz:

Please be advised that this office represents Brendan Berger. On Mr. Berger's behalf, this office filed a Motion for Preliminary Injunction against the NBME to provide accommodations on the USMLE Step 2 CK. The U.S. District Court for the Southern District of Ohio granted the Preliminary Injunction and ordered NBME to provide certain accommodations. I am attaching the order for your review. The order states (p. 61), "defendant National Board of Medical Examiners (NBME) is enjoined to provide appropriate accommodations under the Americans with Disabilities Act to plaintiff Brendan Berger for the United States Medical Licensing Exam Step 2 Clinical Knowledge (USMLE Step 2 CK) **at the earliest possible date.**" (emphasis added).

Mr. Berger previously (February 2019) submitted his application and paid his fee to ECFMG. His scheduling permit was placed on hold during the pendency of the litigation and while the accommodations issue was sorted out. Since the court's order, Mr. Berger has been attempting to get his permit or certification issued; however, it appears that it expired during the litigation. Mr. Berger has been attempting to get his certification reissued so that he can take this exam in accordance with the court's directive. However, it appears that there is a log jam at ECFMG and Mr. Berger has been unable to get any movement to get his certification or permit, so that he can schedule his date to sit for the exam.

I am writing to you to request your assistance so that Mr. Berger's request is treated as a priority and to get his certification and permit expedited. If you have any questions, feel free to contact me. If you need to reach me by phone on Friday or Monday, you can contact my mobile 215-932-0424.

Thank you in advance for your assistance.



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